

Riverside Energy Park

Draft DCO Schedule of Changes

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RIVERSIDE ENERGY PARK

SCHEDULE OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER – REVISION 3 (DEADLINE 5)

In this document, where reference is made to an Article or Requirement, that reference is to the corresponding Article or Reference in the dDCO (3.1, Rev 3) submitted at Deadline 5.

Article / Requirement number	Change in the Development Consent Order (Revision 3)	Reason for the change
Article 2 Date of final commissioning	<p>Insertion of the words "<i>as the context requires</i>" and reference to Requirement 16 changed to Requirement 24 of Schedule 2.</p> <p>In addition, the cross referencing has been updated to refer to Requirement 24 of Schedule 2, which is the Requirement providing notice of the date of final commissioning.</p>	<p>Amendment made to make it clear that the term applies to the authorised development or to part of the authorised development, as the particular provision requires. Therefore the words "<i>as the context requires</i>" have been inserted.</p> <p>Cross referencing to Schedule 2 updated.</p>
Article 2 MOL plan	This is a new definition that has been added.	This plan shows the area of Metropolitan Open Land where no buildings will be erected (hatched in orange).
Article 2 Outline operational worker travel plan	"Operational" has been inserted in the definition.	This is to correct a typographical error.
Article 2 Pre-commencement land	This is a new definition that has been added.	The term " <i>pre-commencement works</i> " has been narrowed to restrict where the works can take place to just certain areas of existing hardstanding in the REP site. The " <i>pre-commencement land</i> " is defined by reference to the " <i>pre-commencement plan</i> ."

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		This is in response to a concern raised by LBB in relation to Requirement 4 (pre-commencement biodiversity mitigation scheme).
Article 2 Pre-commencement plan	This is a new definition that has been added.	<p>This has been added as a new plan is to be certified by the Secretary of State showing where the "<i>pre-commencement works</i>" can take place. The plan links into the new definition of "<i>pre-commencement land</i>."</p> <p>This is in response to a concern raised by LBB in relation to Requirement 4 (pre-commencement biodiversity mitigation scheme).</p>
Article 2 Pre-commencement works	<p>This definition has been amended by the insertion of the words "<i>on the pre-commencement land only</i>". The definition now reads:</p> <p><i>"pre-commencement works" means operations on the pre-commencement land only consisting of..."</i></p>	<p>The term "<i>pre-commencement works</i>" has been narrowed to restrict where the works can take place to just certain areas of existing hardstanding in the REP site. It has also been limited to land preparation and does not include land and vegetation clearance given the restriction of where the works can be carried out.</p> <p>This is in response to a concern raised by LBB in relation to Requirement 4 (pre-commencement biodiversity mitigation scheme).</p>
Article 2 REP and RRRF Application Boundaries	This is a new definition that has been added.	This plan shows the overlap of the main elements of REP with the existing RRRF planning application boundary. The plan is to be certified by the Secretary of State and shows the

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Plan		<p>area of land that is to be removed from the "<i>section 36 consent</i>" and the "<i>RRRF planning permission</i>" by virtue of Article 6. New Schedule 14 is relevant to this definition.</p> <p>The new definitions have been inserted to deal with a concern of LBB regarding the breadth of Article 6.</p>
Article 2 RRRF	This is a new definition that has been added.	<p>This new term is required to assist with the interpretation of new definition "<i>RRRF planning permission</i>". The new definitions have been inserted to deal with a concern of LBB regarding the breadth of Article 6.</p> <p>The definition describes the existing facility known as "<i>RRRF</i>".</p>
Article 2 RRRF condition	This is a new definition that has been added.	<p>This term is required to ensure the drafting in Article 6 is clear and precise. The new definitions referring to "<i>RRRF</i>" have been inserted to deal with a concern of LBB regarding the breadth of Article 6. New Schedule 14 is relevant to this definition.</p>
Article 2 RRRF planning permission	This is a new definition that has been added.	<p>This has been added to ensure that Article 6 is clear and precise as Article 6 modifies the "<i>RRRF planning permission</i>." This definition links into the term "<i>RRRF condition</i>", the latter being a condition on the "<i>RRRF planning permission</i>". New Schedule 14 is relevant to this</p>

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		<p>definition.</p> <p>The new definitions have been inserted to deal with a concern of LBB regarding the breadth of Article 6.</p>
<p>Article 2</p> <p>Section 36 consent</p>	<p>This is a new definition that has been added.</p>	<p>This has been added to ensure that Article 6 is clear and precise as Article 6 modifies the "section 36 consent." New Schedule 14 is relevant to this definition.</p> <p>The new definition has been inserted to deal with a concern of LBB regarding the breadth of Article 6.</p>
<p>Article 2</p> <p>Undertaker</p>	<p>The definition of undertaker to be amended to read:</p> <p><i>““undertaker” means Cory Environmental Holdings Limited (company number 05360864) or Riverside Energy Park Limited (company number 11536739) or any other person who”</i></p>	<p>This is to clarify that both companies can take the benefit of the dDCO independently of each other.</p>
<p>Article 6</p> <p>Disapplication of legislative provisions and modifications to section 36 consent and RRRF planning permission</p>	<p>Article 6(3) has been inserted to implement new Schedule 14, where the modifications to the section 36 consent and RRRF planning permission are set out.</p> <p>Article 6(4) has been amended to remove reference to condition 7 and 23 of the RRRF conditions and to provide added clarity regarding the extent of the disapplication.</p>	<p>The amendments to Article 6 are in response to LBB’s concerns submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p> <p>Article 6 modifies the section 36 consent by removing land from that consent (the land that is surplus to RRRF) and on which the main elements of REP are to be constructed. This ensures that there is no conflict between the</p>

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		<p>dDCO and the section 36 consent. In addition, the section 36 consent is modified by inserting reference to the dDCO on the face of the section 36 consent.</p> <p>Article 6 also modifies the RRRF planning permission by removing the same land from that permission so as to provide clarity to LBB over the land on which enforcement action can be taken in respect of the RRRF planning permission. Article 6 then modifies the RRRF planning permission by (1) inserting reference to the dDCO on the face of the RRRF planning permission, (2) inserting words into condition 7 so that the jetty can be used for both REP and RRRF, which LBB agrees to, and (3) deleting the current condition 23 and replacing it with an updated condition that obliges RRRF to only store bottom ash in the bunker. This provides the clarity to LBB as they have requested.</p> <p>As a consequence of the above, Article 6(4) has been updated to refer to conditions 1 and 22 only and to make it clear that the conditions are disapplied in respect of any inconsistency between the RRRF planning permission and the dDCO, again as requested by LBB.</p> <p>Schedule 14 applies to Article 6.</p>

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Article 42(3) (Arbitration)	The words " <i>Subject to any other provision in this Order...</i> " have been inserted to clarify that the arbitration provisions are subject to any other provisions in the Order.	This is amended to reflect the wording agreed with Network Rail.
Schedule 1		
Work No 8	Amendment of "compound" to "compounds"	Correcting a typographical error and to accurately reflect the Works Plans.
Schedule 2		
Requirement 3, Table 1 (Parameters of authorised development)	The minimum height for the anaerobic digestion plant emission stack (work 1B(vi)) has been amended from 4 metres to 8 metres.	This is to ensure that the dDCO reflects the assessments undertaken as part of the Environmental Statement and Environmental Permit (as set out in the Paragraph 3.4.1 of the Anaerobic Digestion Facility Emissions Mitigation Note (8.02.42, REP4-021) submitted at Deadline 4).
Requirement 4 (Pre-commencement biodiversity mitigation strategy)	This has been amended to require the submission of a pre-commencement biodiversity mitigation strategy to the relevant planning authority for approval, setting out details of mitigation measures required to protect protected habitats and species.	This is a consequence of the amendment to the definition of " <i>pre-commencement works</i> " to only those works on areas where there is existing hard standing and is in current use by the Applicant and the Cory Group. As a result of the " <i>pre-commencement works</i> " only taking place on existing hardstanding and the removal of land and vegetation clearance, no off-setting will be required and land will not need to be restored, which was the purpose of Requirement 4(2)(b) and Requirement 4(2)(c) which have therefore

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		been deleted.
Requirement 7 (Archaeology)	Requirement 7(2)(c) has been amended and now reads: <i>"identify any within the administrative area of Kent County Council drilling or boring locations where a phased..."</i>	This is amended to reflect the wording agreed with Kent County Council.
Requirement 12 (Construction hours)	Work No. 6 has been added.	This is in response to Thames Water Utilities Limited's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.
Requirement 13 (Construction traffic management plan(s))	A comma was inserted instead of a full stop. This now reads: <i>"...submitted to and approved by the relevant planning authority (in consultation with the relevant highway authority and, for streets within the London Borough of Bexley, Transport for London)."</i>	This is to correct a typographical error.
Requirement 14 (Heavy commercial vehicle movements delivering waste)	The following changes have been made: 1. 14(1) and 14(3) : The number of maximum two-way movements has been clarified. 2. 14(2) : Inserting a cap of 240,000 tonnes per annum of waste being delivered by road to Work No. 1A and Work No. 1B (save in the event of a jetty outage). 3. 14(1), 14(3) and 14(5) : Deletion of "from the street known as Norman Road".	The changes are in response to: 1. LBB's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. 2. LBB's and GLA's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. 3. LBB's and GLA's comments submitted at Deadline 4 in their comments on the

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	<p>4. 14(5): Deletion of the request for records by the relevant planning authority being limited to a maximum of 4 requests per year.</p> <p>5. 14(6): The definition of jetty outage amended to a period of 4 consecutive days, rather than 48 hours.</p> <p>6. 14(6): Insertion of a definition of two-way vehicle movements.</p>	<p>revised dDCO submitted at Deadline 3.</p> <p>4. LBB's and GLA's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p> <p>5. LBB's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p> <p>6. LBB's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p>
New requirement 15 (Emission limits – Work No. 1A)	New requirement inserted to limit the Applicant to an average daily emission limit value and an annual emission limit value for nitrogen oxide and nitrogen dioxide for the ERF.	This is in response to LBB's and GLA's comments submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.
New requirement 16 (Emission limits – Work No. 1B)	A new emissions Requirement has been inserted in respect of the Anaerobic Digestion plant, which restricts the average emission limit value and the annual emission limit value for nitrogen oxide and nitrogen dioxide.	This is in response to LBB's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.
New requirement 17 (Ambient air quality monitoring)	This has been inserted to provide for the Applicant to prepare an air quality monitoring programme, which must also meet the requirements of any air quality monitoring condition on the Environmental Permit.	This is in response to LBB's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. The Environment Agency is the discharging body to ensure that there is no contradiction between the dDCO and the Environmental Permit. Furthermore, the intention is for there to be

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		single monitoring and not monitoring under the dDCO and the Environmental Permit - the monitoring to be undertaken should comply with both the dDCO and the Environmental Permit.
New requirement 18 (Waste hierarchy scheme)	This has been inserted to require the Applicant to prepare a scheme setting out arrangements for maintenance of the waste hierarchy.	This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.
Requirement 19 Operational worker travel plan	The insertion of "operational" to read: <i>"The operational worker travel plan must be in substantial accordance with the outline operational worker travel plan."</i>	This is to correct a typographical error.
New requirement 21 (Control of operational noise)	This has been inserted to commit the Applicant to prepare a noise monitoring scheme to be approved by the relevant planning authority.	This is in response to LBB's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3 and is very similar to the additional requirement LBB suggested to be inserted in the track change dDCO submitted at Deadline 2.
Requirement 22 (River Wall)	The river wall condition survey must be submitted to the Environment Agency. This has been amended to also require consultation with the relevant planning authority. The remedial works must be carried out within 2 years instead of 3.	This requirement is now agreed with the Environment Agency and has been amended to reflect the agreed wording.
Requirement 25	This has been inserted to commit the Applicant to set out the phasing on the construction and commissioning of Work No. 1.	This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised

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(Phasing of construction and commissioning of Work Number 1)		dDCO submitted at Deadline 3.
Requirement 26 (Combined heat and power)	<p>The following changes have been made:</p> <ol style="list-style-type: none"> 1. 26(2): Inserting that commissioning may not start for Work No. 1A until a working group has been established. 2. 26(2): The inclusion of what the working group must do (i.e. engage with the Department for Business, Energy & Industrial Strategy and the Heat Network Investment Programme to identify funding for any financial shortfall identified by any CHP review). 3. 26(3): Deletion of the word “reasonably”. 4. 26(3): Replacing “sufficient details are known” with “sufficient certainty” 5. 26(3): Requiring the CHP review to be undertaken by a competent CHP consultant. 6. 26(3) and 26(4): Insertion that the actions that the undertaker is required to take must be technically feasible and commercially viable. 	<p>The changes are in response to:</p> <ol style="list-style-type: none"> 1. This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. 2. This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. 3. This is in response to LBB's comment submitted at Deadline 4 in their comments on their revised dDCO submitted at Deadline 3. 4. This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3. 5. This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.

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		<p>6. This is to clarify that the undertaker is only required to include and take such actions which are technically feasible and commercially viable, otherwise the dDCO will not be bankable.</p>
<p>Requirement 27 (Use of compost material and gas from Work Number 1B)</p>	<p>This has been inserted to commit the Applicant to submit an Anaerobic Digestion review, looking at the feasibility and commercial viability of connection to the gas grid network and for export of the compost material produced. The Applicant is only required to consider the opportunities for gas grid network connection in the first Anaerobic Digestion review. However, should the export of the compost material not be feasible or commercially viable at the first review, the Applicant will carry out a review every 5 years, until it is demonstrated that the export of compost material produced from Work Number 1B is technically feasible and commercially viable.</p>	<p>This is in response to GLA's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p>
<p>Requirement 28</p>	<p>Work Nos. 2, 3, 4 and 5 have been inserted in relation to details on the restoration and management of the site following cessation of operation.</p>	<p>This is in response to LBB's comment submitted at Deadline 4 in their comments on the revised dDCO submitted at Deadline 3.</p>
<p>Requirement 30</p>	<p>This has been amended to reflect that no buildings shall be erected, and no materials stored, within the area on the FRAPA drawing.</p>	<p>This requirement is now agreed with the Environment Agency and has been amended to reflect the agreed wording.</p>
<p>Requirement 32</p>	<p>This has been inserted to ensure no buildings will be erected on any part of the Metropolitan Open Land, as shown on the MOL plan submitted at Deadline 5 (and as defined in Article 2).</p>	<p>As offered by the Applicant in its Deadline 4 submissions.</p>
<p>Schedule 7</p>		

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Schedule 7	Insertion of plots 12/06a, 12/06(b), 12/17(a) and 12/17(b).	To reflect the updated Book of Reference (4.3, REP4-004) and Land Plans (2.1, REP4-003) submitted at Deadline 4 (following creation of the new plots).
Schedule 10		
Schedule 10 Protective Provisions	Updating the protective provisions.	These have been updated in accordance with the Applicant's latest position. Please see the Protective Provisions Summary (8.02.45) for further information.
Schedule 11		
Schedule 11 (Documents and plans to be certified)	Updating the list of plans that are to be certified.	This reflects the insertion of the "MOL plan", " <i>pre-commencement plan</i> " and the " <i>REP and RRRF Application Boundaries plan</i> " as certified documents. The date of the FRAPA drawing has been corrected.
Schedule 14		
Schedule 14	This has been inserted to set out the modifications being made to the section 36 consent (Part 1) and the RRRF planning	For clarity on the modifications being made by the dDCO (as stated above).

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(Modifications to the section 36 consent and the RRRF planning permission)	permission (Part 2).	